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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,264	10/03/2003	Carl E. Norman	243604US2CRL	8750
22850 7590 07/17/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER TRAN, BINH X	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 07/17/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/677,264	Applicant(s) NORMAN, CARL E.	
	Examiner Binh X. Tran	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 13, 14 and 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 10-12, 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-16-2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (US 6,096,175) in view of Griffin et al. (US 2004/0002752 A1).

Respect to claim 1, Roth discloses a method for producing a free standing structure comprising the step of:

providing a patterned substrate (52) having a raised patterned formed on a surface of said substrate, said raise pattern having side walls comprising at least one material which forms said surface (See Fig 7 step B);

depositing material (61) over said raised pattern, said deposition being directional such that material is not deposited onto the side walls of the raise patterned (Fig 7, step C);

dissolving said substrate (52) to release said deposited material to form said free standing structure from said released deposited material (Fig 7 step D; col. 9 lines 30-67).

Roth fails to explicitly disclose that the free standing structure has a code defined by said raise pattern. However, Roth clearly discloses that the free standing structure has plurality of patterns. Griffin discloses the free standing structure has a plurality of raise pattern and comprises a marker in order to facilitate desired positioning of the stent adjacent to a vessel defect (paragraph 0054, 0023, fig 2). It would have been obvious to one having ordinary skill in the art, at the time of invention, to modify Roth in view of Griffin by has a code (such as marker) defined by the raise pattern because it helps to facilitate desired positioning of the stent adjacent to a vessel defect.

Respect to claims 2-3, Roth discloses the raised pattern defines a planar surface comprises 3D relief pattern (Fig 7 step B, C). Respect to claims 4-5, Roth discloses the substrate comprises a plurality second pattern (60), of lower relief than said raise pattern (52), said plurality of second pattern (60) being separated from said raise pattern (52) by a step and depositing material over said second pattern (See Fig 7). Respect to claim 6, Roth disclose dissolving only part of said substrate to release said deposit material from said raise pattern but not from said second pattern (60) (See Fig 7 step D). Respect to claim 7, Roth disclose the step of dissolving the substrate in a

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second dissolving process to release deposit material to form a free standing structure comprises of said deposit material from said second pattern (60) (col. 9 lines 32-57).

Respect to claim 8, Roth fails to disclose the depositing material is aluminum. However, Roth clearly teaches to deposit metal including metal such as stainless steel (abstract, col. 2 lines 36-40). Griffin teaches to use stainless or aluminum (paragraph 0074). It would have been obvious to one¹ having ordinary skill in the art, at the time of invention, to modify Roth in view of Griffin by using aluminum because equivalent and substitution of one for the other would produce an expected result.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (US 6,096,175) and Griffin (US 2004/0002752 A1) as applied to claims 1-8 above, and further in view of Johnson et al. (US 6,790,298).

Respect to claim 9, Roth and Griffin fail to disclose the specific thickness value for the depositing material of the free standing structure. In a method for producing a free standing structure, Johnson disclose the thickness is a result effective variable varying between 1 μm to 40 μm (col. 2 lines 50-60, col. 4 lines 32-35). The result effective variable is commonly determined by routine experiment. The process of conducting routine experiments so as to produce an expected result is obvious to one of ordinary skill in the art. Hence, it would have been obvious to one having ordinary skill in the art, at the time of invention, to perform routine experiment to obtain optimal thickness for the free standing structure as an expected result.

5. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (US 6,096,175) and Griffin (US 2004/0002752 A1) as applied to claims 1-8 above, and further in view of Liang et al. (US 2003/0053190 A1).

Respect to claims 15-16, Roth and Griffin fails to disclose the mould to produce a plurality of substrate by pressing; wherein the mould in a roller shape and said pressing is carried out by rolling the mould across the surface of the substrate. Liang discloses to use the mould (20) having a roller shape and rolling the roller across the surface of the substrate to produce plurality of pattern on the substrate (See Fig 2a-2b; paragraph 0038-0040). It would have been obvious to one having ordinary skill in the art, at the time of invention, to modify Roth and Griffin in view of Liang by pressing the roller across the surface of the substrate because this process will create plurality of uniform pattern on the substrate surface.

Allowable Subject Matter

6. Claims 10-12, 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The reasons for allowance were discussed in previous office action.

Response to Arguments

8. The applicants argue that the amended claim 1 to limit the claimed invention to a "free standing structure has a code defined by said raised pattern". According to applicants, the amended claim 1 is differ from the Roth. Applicant's arguments with

respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Griffin teaches the free standing structure has a marker (read on the free standing structure has a code) to facilitate the position of the stent (See new 35 USC 103(a) rejections as discussed above for further detail).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X. Tran whose telephone number is (571)272-1469. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Binh X Tran

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